

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**Notice Re
Vacating of Orders of Dismissal**

The court has conducted a review of the current practice by consumer bankruptcy counsel in the Richmond Division in seeking to vacate case dismissal orders. The court finds that in the past year an excessive number of motions to vacate dismissals have been filed. The practice appears to be unique to the Richmond Division. The court considers such a plain overuse of this procedure abusive to the timely administration of cases, costly to the court, and a detriment to all parties. The practice is particularly troublesome with respect to cases that are dismissed for failure of counsel to timely file schedules, chapter 13 plans or other documents or notices.

The Local Rules of Practice of our court provide for extensions of time to file required documents and notices, and counsel are expected to use these procedures rather than allowing deadlines to pass followed by motions to vacate dismissal.

In view of the above, the court finds it necessary to implement new procedures, which will become effective thirty (30) days from the date of this notice.

A motion to vacate a case dismissal is essentially a motion to alter or amend a judgment. Pursuant to Fed. R. Bankr. P. 7052 and 9023, a motion to alter or amend must be filed within 10 days of entry of judgment. Effective in 30 days, the court will strictly enforce the requirements of Bankruptcy Rules 7052 and 9023. **Motions to vacate dismissal orders will be denied if not timely filed within ten days of dismissal.**

Additionally, for timely filed motions to vacate the court will consider imposition of costs against counsel or debtor where appropriate extension of time to comply with deadlines as provided by local rule has not been requested prior to dismissal.

Date: April 1, 2004